

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chair Tom Berry, on March 13, 2015 at 8:30 A.M., in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Daniel R. Salomon, Vice Chair (R)
Rep. Ryan Lynch, Vice Chair (D)
Rep. Christy Clark (R)
Rep. Willis Curdy (D)
Rep. Steve Fitzpatrick (R)
Rep. George G. Kipp III (D)
Rep. Mike Lang (R)
Rep. David (Doc) Moore (R)
Rep. Mark Noland (R)
Rep. Andrea Olsen (D)
Rep. Christopher Pope (D)
Rep. Vince Ricci (R)
Rep. Tom Richmond (R)
Rep. Scott Staffanson (R)
Rep. Tom Steenberg (D)
Rep. Jeffrey W. Welborn (R)

Members Excused: Rep. Tom Berry, Chair (R)
Rep. Chuck Hunter (D)
Rep. Gordon Pierson Jr (D)

Members Absent: None

Staff Present: Karen Armstrong, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HJ 20, 3/6/2015; SB 79, 3/6/2015; SB 258, 3/6/2015;
SB 292, 3/6/2015; SB 351, 3/6/2015

Executive Action: HB 560, SB 22, SB 79, SB 152, SB 280, SB 281

00:00:01 Vice Chairman Salomon chaired the meeting in Chairman Berry's absence.

HEARING ON SB 258

Opening Statement by Sponsor:

00:01:08 Sen. Brian Hoven (R), SD 13, opened the hearing on SB 258, Revise workers' compensation laws relating to religious employer definition.

Proponents' Testimony:

00:03:14 Ron Nelson, Attorney for Hutterite Colonies

00:04:58 Judy Bovington, Chief Counsel, Department of Labor and Industry (DLI)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:05:29 Rep. Ricci

00:05:57 Judy Bovington, DLI

00:06:11 Rep. Lang

00:06:47 Ron Nelson, Attorney for Hutterite Colonies

00:07:07 Rep. Lang

00:07:22 Ron Nelson, Attorney for Hutterite Colonies

00:07:27 Rep. Staffanson

00:07:44 Ron Nelson, Attorney for Hutterite Colonies

00:08:08 Rep. Staffanson

00:08:22 Ron Nelson, Attorney for Hutterite Colonies

00:08:48 Rep. Clark

00:09:28 Ron Nelson, Attorney for Hutterite Colonies

00:09:40 Rep. Clark

00:09:51 Ron Nelson, Attorney for Hutterite Colonies

00:10:01 Rep. Staffanson

00:10:20 Ron Nelson, Attorney for Hutterite Colonies

00:10:28 Rep. Pope

00:10:55 Judy Bovington, DLI

00:11:39 Rep. Pope

00:11:44 Rep. Kipp

00:12:20 Ron Nelson, Attorney for Hutterite Colonies

00:12:37 Rep. Kipp

00:12:50 Ron Nelson, Attorney for Hutterite Colonies

Closing by Sponsor:

00:13:06 Sen. Hoven

HEARING ON SB 292

Opening Statement by Sponsor:

00:14:01 Sen. Matthew Rosendale (R), SD 18, opened the hearing on SB 292, Create a drug formulary for workers' compensation.

Proponents' Testimony:

00:21:47 Kevin Braun, Montana State Fund (MSF)
00:23:06 Spook Stang, Motor Carriers of Montana
00:23:31 Bob Worthington, Montana Self Insurers Association (MSIA)
00:24:27 Dwight Easton, Farmers Insurance Group and American Insurance Association (AIA)
00:25:09 Glenn Oppel, Montana Chamber of Commerce (MCC)
00:25:24 Riley Johnson, National Federation of Independent Business (NFIB)

Opponents' Testimony:

00:25:46 Al Smith, Montana Trial Lawyers Association (MTLA)

Informational Testimony:

00:29:45 Diana Ferriter, Administrator, Employment Relations Division, Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

00:30:05 Rep. Moore
00:30:41 Kevin Braun, MSF
00:31:51 Rep. Lynch
00:32:15 Kevin Braun, MSF
00:32:22 Chairman Salomon
00:32:34 Sen. Rosendale
00:33:39 Rep. Lynch
00:34:25 Kevin Braun, MSF
00:35:08 Rep. Pope
00:35:34 Kevin Braun, MSF
00:35:57 Rep. Pope
00:36:05 Kevin Braun, MSF
00:36:24 Rep. Curdy
00:36:53 Kevin Braun, MSF
00:36:58 Rep. Curdy
00:37:06 Kevin Braun, MSF
00:37:53 Rep. Curdy
00:38:11 Kevin Braun, MSF
00:38:16 Rep. Lang
00:38:57 Kevin Braun, MSF
00:39:26 Rep. Olsen
00:40:07 Kevin Braun, MSF
00:40:18 Rep. Olsen
00:40:36 Kevin Braun, MSF
00:41:23 Rep. Olsen
00:41:50 Kevin Braun, MSF
00:42:01 Rep. Olsen
00:42:08 Kevin Braun, MSF
00:42:17 Rep. Olsen
00:42:57 Diana Ferriter, DLI
00:43:36 Rep. Steenberg
00:43:59 Diana Ferriter, DLI
00:44:29 Rep. Steenberg

00:44:43 Diana Ferriter, DLI
 00:45:27 Rep. Lynch
 00:46:05 Rep. Moore
 00:46:25 Diana Ferriter, DLI
 00:46:43 Rep. Moore

Closing by Sponsor:

00:47:18 Sen. Rosendale

00:50:41 Rep. Welborn

HEARING ON HJ 20

Opening Statement by Sponsor:

00:50:56 Rep. Mary Ann Dunwell (D), HD 84, opened the hearing on HJ 20, Study resolution to address a Montana living wage.

Proponents' Testimony:

00:56:39 Sheena Rice, Montana Organizing Project

EXHIBIT(buh52a01)

00:59:08 Shane Morigeau, Confederated Salish-Kootenai Tribes (CSKT)

EXHIBIT(buh52a02)

00:59:55 Rep. Berry arrived.

01:01:18 Rep. Pierson arrived

01:01:26 Judy Bovington, Department of Labor and Industry (DLI)

Opponents' Testimony:

01:01:50 Brad Griffin, Montana Retail Association (MRA), Montana Restaurant Association (MTRA)

01:03:47 Glenn Oppel, Montana Chamber of Commerce (MCC)

01:07:38 Riley Johnson, National Federation of Independent Business (NFIB)

Informational Testimony: None

Questions from Committee Members and Responses:

01:09:15 Rep. Olsen

01:11:58 Glenn Oppel, MCC

01:13:35 Rep. Moore

01:13:52 Glenn Oppel, MCC

01:14:11 Rep. Moore

01:14:34 Glenn Oppel, MCC

Closing by Sponsor:

01:15:46 Rep. Dunwell

01:18:54 Chairman Berry resumed as Chairman.

HEARING ON SB 79

Opening Statement by Sponsor:

01:18:57 Sen. Tom Facey (D), SD 50, opened the hearing on SB 79, Clarify fees charged in relation to licensing boards.

Proponents' Testimony:

01:28:51 Todd Younkin, Business Standards Division, Department of Labor and Industry (DLI)

01:32:49 Judy Bovington, Chief Counsel, Department of Labor and Industry (DLI)

EXHIBIT(buh52a03)

01:35:07 Pat Bollinger, Board of Medical Examiners

01:36:23 Mona Jamison, Montana Chapter, American Physical Therapists Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:38:35 Rep. Lang

01:39:15 Judy Bovington, DLI

01:39:26 Rep. Lang

01:39:35 Judy Bovington, DLI

01:39:51 Chairman Berry

01:40:00 Sen. Facey

01:40:02 Chairman Berry

Closing by Sponsor:

01:40:03 Sen. Facey

01:41:04 Recessed.

01:50:11 Reconvened.

HEARING ON SB 351

Opening Statement by Sponsor:

01:50:22 Sen. Mark Blasdel (R), SD 4, opened the hearing on SB 351, Prohibit compulsory union membership for a person under age 18.

Proponents' Testimony: None

Opponents' Testimony:

01:52:55 Chris Cavazos, American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)

01:53:55 J. D. Lynch, Montana State Building Trades

01:56:39 Keith Allen, International Brotherhood of Electrical Workers (IBEW)

01:57:34 Dan Flynn, Montana State Conference of Electrical Workers

01:58:19 John Forkan, Montana State Association of Plumbers and Pipefitters

01:58:58 Nicolai Cocergine, United Food and Commercial Workers Union (UFCW)

02:05:39 Terry Minnow, Montana Education Association-Montana Federation of Teachers (MEA-MFT)
02:06:17 Quint Nyman, Executive Director, Montana Public Employees Association (MPEA)

Informational Testimony: None

Questions from Committee Members and Responses:

02:07:22 Rep. Ricci
02:07:59 Chris Cavazos, AFL-CIO
02:08:02 Rep. Ricci
02:08:24 Rep. Staffanson
02:08:37 Nicolai Cocergine, UFCW
02:08:45 Rep. Staffanson
02:08:53 Chairman Berry
02:09:04 Rep. Staffanson
02:09:49 Nicolai Cocergine, UFCW
02:09:54 Rep. Staffanson
02:10:46 Nicolai Cocergine, UFCW
02:10:49 Rep. Staffanson
02:10:53 Rep. Ricci
02:11:17 Nicolai Cocergine, UFCW

Closing by Sponsor:

02:11:33 Sen. Blasdel

02:13:30 Chairman Berry

02:14:27 Recessed.
02:33:17 Reconvened.

EXECUTIVE ACTION ON SB 79

02:33:40 **Motion/Vote:** Rep. Salomon moved that **SB 79 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Hunter voted by proxy. Rep. Curdy will carry the bill.

EXECUTIVE ACTION ON HB 560

02:34:22 **Motion:** Rep. Salomon moved that **HB 560 DO PASS**.

02:34:30 **Motion:** Rep. Salomon moved that **HB 560 BE AMENDED.**
[EXHIBIT\(buh52a04\)](#)

Discussion:

02:34:44 Pat Murdo, Legislative Services Division (LSD)

02:35:12 **Vote:** Motion carried unanimously by voice vote. Rep. Hunter voted by proxy.

02:35:29 **Motion/Vote:** Rep. Salomon moved that **HB 560 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote. Rep. Hunter voted by proxy.

EXECUTIVE ACTION ON SB 22

02:35:46 **Motion:** Rep. Salomon moved that **SB 22 BE CONCURRED IN.**

Discussion:

02:35:56 Rep. Lynch

02:36:27 Chairman Berry

02:36:29 Rep. Lynch

02:36:49 **Vote:** Motion carried unanimously by voice vote. Rep. Hunter voted by proxy.
Rep. Lynch will carry the bill.

EXECUTIVE ACTION ON SB 152

02:37:10 **Motion/Vote:** Rep. Salomon moved that **SB 152 BE CONCURRED IN.** Motion carried unanimously by voice vote. Rep. Hunter voted by proxy. Rep. Flynn will carry the bill.

EXECUTIVE ACTION ON SB 280

02:37:34 **Motion:** Rep. Salomon moved that **SB 280 BE CONCURRED IN.**

Discussion:

02:37:42 Rep. Lynch

02:37:57 Rep. Welborn

02:38:40 Rep. Fitzpatrick

02:39:33 Rep. Staffanson

02:40:02 Rep. Salomon

02:40:55 Chairman Berry

02:42:13 Rep. Noland
02:42:57 Rep. Pope
02:43:47 Rep. Lang
02:44:36 Rep. Kipp

02:46:05 **Vote:** Motion failed 9-10 by roll call vote with Rep. Clark, Rep. Fitzpatrick, Rep. Lang, Rep. D. Moore, Rep. Noland, Rep. Ricci, Rep. Richmond, Rep. Salomon and Rep. Staffanson voting aye. Rep. Hunter voted by proxy.

02:47:05 **Motion/Vote:** Rep. Salomon moved that **SB 280 BE TABLED AND THE VOTE REVERSED**. Motion carried 18-0 by voice vote. Rep. Hunter was not present and did not vote.

EXECUTIVE ACTION ON SB 281

02:47:19 **Motion/Vote:** Rep. Salomon moved that **SB 281 BE CONCURRED IN**. Motion carried 11-8 by roll call vote with Rep. Curdy, Rep. Hunter, Rep. Kipp, Rep. Lynch, Rep. Olsen, Rep. Pierson, Rep. Pope and Rep. Steenberg voting no. Rep. Hunter voted by proxy. Rep. Fitzpatrick will carry the bill.

02:49:19 Chairman Berry
02:50:05 Rep. Wellborn
02:50:16 Chairman Berry

ADJOURNMENT

Adjournment: 02:50:48

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([buh52aad.pdf](#))